

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:  SEVERIANO LUGO ACOSTA ANA REYES CAMACHO Debtors	CASE NO. 09-10354 (SEK)  CHAPTER 13
BANCO POPULAR DE PR Movant  Vs.  SEVERIANO LUGO ACOSTA ANA REYES CAMACHO JOSE R CARRION MORALES Respondents	INDEX: _____

MOTION TO SET ASIDE ORDER

TO THE HONORABLE COURT:

NOW COMES Banco Popular de Puerto Rico, (BPPR),  
as service agent for Oriental Bank & Trust, a party  
in interest, through counsel, and most respectfully  
**STATES and PRAYS:**

1. A final hearing on motion to lift stay filed  
by appearing party was held on October 26,  
2011.

2. Because we were not present when the case was called the motion was denied.
3. Due to unforeseen personal problems we were not able to arrive at the Courtroom before 10:15 am at which time the case had already been called.
4. We fill that the order denying the motion to lift stay should be set aside and that the matter be reschedule in 60 days to allow for the proposed loss mitigation process to continue because in the event loss mitigation is not approved Debtor would be in substantial arrears post-petition.
5. Enclosed as exhibit A statement which reflects that as of October 2011 Debtor was 17 post-petition payments in arrears. Total arrears \$18,649.10.
6. In summary ultimately the outcome of the motion to lift stay is dependent on the outcome of the loss mitigation process and

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the same should be allowed to proceed before making a final determination on our motion.

7. We would like to also bring to the attention of Debtor and of this Honorable court and as expressed by the Trustee, the proposed modification might not be feasible because it does not consider the second mortgage held by Scotiabank of Puerto Rico.


8. If the second mortgage is not considered and modified the holder of the first mortgage will be precluded from finalizing modification because it would loose its rank before the Property Registry.

**WHEREFORE**, it is respectfully requested that this motion be granted, and the order denying motion to lift stay be set aside, with such further relief as is deemed appropriate in the circumstances.

**I CERTIFY**, that on this same date, I electronically filed the foregoing with the Clerk of this Court via CM/ECF system, which will

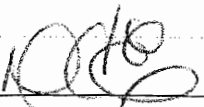
electronically send notification of such filing to the following to: **Mr. Victor Thomas Santiago; Mr. Alejandro Oliveras Rivera; and Ms. Monsita Lecaroz Arribas.**

In San Juan, Puerto Rico, this V day of October, 2011.



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STATEMENT OF ACCOUNT					
<b>DEBTOR:</b>		Severiano Lugo Acosta		<b>BPPR NUM:</b>	061010010486897
<b>BANKRUPTCY NUM:</b>		09-10354SEK		<b>FILING DATE:</b>	12/02/09
SECURED LIEN ON REAL PROPERTY					
Principal Balance as of 10/01/09					99,579.41
Accrued Interest from 09/01/09 to 10/31/11					15,642.27
Interest:	7.250%	Accrued num. of days:	780	Per Diem:	20.054187
<b>Monthly payment to escrow</b>					
Hazard	\$0.00	Taxes	\$0.00	MIP	\$0.00
A&H	\$0.00	Life	\$0.00		
<b>Total montly escrow</b>		\$0.00	Months in arrears	25	Escrow in arrears
					0.00
					983.64
<b>Advances Under Loan Contract:</b>					
Title Search	\$0.00	Tax Certificate	\$0.00	Inspection	\$60.00
Other	\$0.00				
Legal Fees:					1,626.00
<b>Total amount owed as of 10/31/11</b>					<b>117,891.32</b>
AMOUNT IN ARREARS					
<b>PRE-PETITION AMOUNT:</b>					
8	payments of	\$1,053.61	each one		8,428.88
accumulated lated charges					245.91
<b>Advances Under Loan Contract:</b>					
Title Search	\$0.00	Tax Certificate	\$0.00	Inspection	\$60.00
Other	\$0.00				
Legal Fees					1,626.00
<b>A = TOTAL PRE-PETITION AMOUNT</b>					<b>10,360.79</b>
<b>POST-PETITION AMOUNT:</b>					
17	payments of	\$1,053.61	each one		17,911.37
Late Charge					737.73
<b>B = TOTAL POST-PETITION AMOUNT</b>					<b>18,649.10</b>
<b>A + B = TOTAL AMOUNT IN ARREARS</b>					<b>29,009.89</b>
OTHER INFORMATION					
Next pymt due	10/01/09	Interest rate	7.250%	P & I	\$702.64
Monthly late charge					\$35.13
Investor	BANCO POPULAR DE PUERTO RICO		Property address	Com. La Barra Bo. Rio Cañas c-171Caguas PR 00725	
<p>The subscribing representative of Banco Popular de Puerto Rico declares under penalty of perjury that according to the information gathered by Banco Popular de Puerto Rico the foregoing is true and correct.</p>					
					<b>10/25/11</b> <b>DATE</b>
<b>BANCO POPULAR DE PUERTO RICO</b>					

SACCTFHA Diabany Carrasquillo Escalera